

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL SHADY,

Defendant.

No. 11-CR-1010-LRR

ORDER

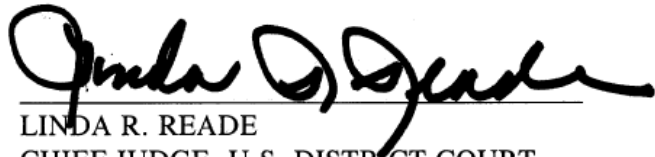
The matter before the court is Magistrate Judge Jon S. Scoles's Report and Recommendation (docket no. 38), which recommends that the court deny Defendant Randall Shady's "Motion to Suppress" ("Motion") (docket no. 18). On January 3, 2012, Defendant filed the Motion. On January 11, 2012, the government filed a Resistance (docket no. 31). On January 12, 2012, Judge Scoles held a hearing. Special Assistant United States Attorney Anthony Morfitt represented the government. Defendant appeared in court with his attorney Jill Johnston. On January 20, 2012, Judge Scoles issued the Report and Recommendation. The Report and Recommendation states that, "within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 9.

The time to object to the Report and Recommendation has expired and neither party has filed any objections. The parties have thus waived their right to de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein." (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994))). The court finds no plain error in

Judge Scoles's decision. Accordingly, the court **ADOPTS** the Report and Recommendation (docket no. 38). The Motion (docket no. 18) is **DENIED**.

IT IS SO ORDERED.

DATED this 10th day of February, 2012.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA